

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

WILLIAM KINLAW,	:	C/A: 5:15-cv-03064-PMD-KDW
	:	
Plaintiff,	:	
vs.	:	
	:	
CAROLYN W. COLVIN	:	
ACTING COMMISSIONER OF	:	
SOCIAL SECURITY,	:	
	:	
Defendant.	:	

ORDER GRANTING MOTION TO REMAND

This matter is before the court upon Plaintiff's Motion for a "Sentence Six" Remand (ECF No. 14), which is unopposed.¹ After careful consideration, it is hereby:

ORDERED AND ADJUDGED that

1. Plaintiff's Motion to Remand, ECF No. 14, is **GRANTED**. This case is remanded to the Commissioner to conduct further proceedings pursuant to the sixth sentence of 42 U.S.C. § 405(g)² based upon the new material evidence submitted and the showing of good

¹ The Commissioner does not object to Plaintiff's Motion, *see* ECF No. 16, and the court is advised that both parties have approved the substantive language contained in this Order.

² This sentence states:

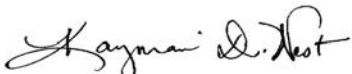
The court may, on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner's answer, remand the case to the Commissioner of Social Security for further action by the Commissioner of Social Security, and it may at any time order additional evidence to be taken before the Commissioner of Social Security, but only upon showing that there is new evidence which is material and that there is good cause for the failure to incorporate such evidence into the record in a prior proceeding; and the Commissioner of Social Security shall, after the case is remanded, and

cause for Plaintiff's failure to incorporate said evidence in the prior proceeding. *See* ECF No. 14-1. Upon remand, the Appeals Council will reopen their action denying review of the ALJ's decision; allow Plaintiff to submit additional evidence and argument; and re-adjudicate the request for review. If the ultimate result of that review is less than fully favorable, the Appeals Council will prepare a supplemental record including all evidence used to support its action. The court shall retain jurisdiction of this case and shall not enter a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure until after post-remand proceedings are completed, and the Commissioner has filed with the court any such additional and modified findings of fact and decision.

2. This case is **CLOSED**, and all pending motions are **DENIED** as **MOOT**.

IT IS SO ORDERED.

March 31, 2016
Florence, South Carolina


Kaymani D. West
United States Magistrate Judge

after hearing such additional evidence if so ordered, modify or affirm the Commissioner's findings of fact or the Commissioner's decision, or both, and shall file with the court any such additional and modified findings of fact and decision, and, in any case in which the Commissioner has not made a decision fully favorable to the individual, a transcript of the additional record and testimony upon which the Commissioner's action in modifying or affirming was based.

42 U.S.C. § 405(g).